

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 10-2653 JB

DERRICK IVAN JIM,

Defendant.

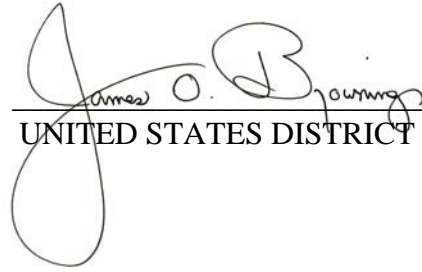
MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the United States’ Motion in Limine to Introduce Identification Evidence Through Photograph Array, filed December 22, 2011 (Doc. 74)(“Motion”). The Court held a hearing on December 30, 2011. The primary issue is whether the Court should authorize the admission of a photograph array on which the victim and three other witnesses placed their signatures to identify Defendant Derrick Ivan Jim as the man who sexually assaulted the victim. Jim filed no response to this Motion. At the hearing, Jim indicated that he does not oppose this Motion so long as Plaintiff United States of America provides him with a quality copy of the photograph array. See Transcript of Hearing at 51:2-14 (December 30, 2011)(Court, Chacon)(“Tr.”).¹ The United States agreed to provide a quality color copy for the defense. See Tr. at 51:15-17 (Baker). The Court also finds that there is a sound basis to admit the evidence under rule 801(d)(2)(C) of the Federal Rules of Evidence. Accordingly, the Court will grant the Motion.

IT IS ORDERED that the United States’ Motion in Limine to Introduce Identification

¹The Court’s citations to the transcript of the hearing refer to the court reporter’s original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

Evidence Through Photograph Array, filed December 22, 2011 (Doc. 74), is granted. The Court will permit Plaintiff United States of America to introduce a photograph array on which the victim and three other witnesses placed their signatures to identify Defendant Derrick Ivan Jim as the man who sexually assaulted the victim and the United States will provide the defense with a quality color copy of this evidence.



UNITED STATES DISTRICT JUDGE

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